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10/534,313	05/09/2005	Joseph B Kejha	1411P	9799
7590 08/03/2009 Zachary T Wobensmith III 7746 101st Court Vero Beach, FL 32967-2871				
EXAMINER WEINER, LAURA S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

RECORD OF ORAL HEARING

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOSEPH B. KEJHA
and W. NOVIS SMITH

Appeal 2009-004955
Application 10/534,313
Technology Center 1700

Oral Hearing Held: July 8, 2009

Before CATHERINE Q. TIMM, LINDA M. GAUDETTE, and
KAREN M. HASTINGS, Administrative Patent Judges

ON BEHALF OF THE APPELLANT:

ZACHARY T. WOBENSMITH, III, ESQUIRE
7746 - 101st Court
Vero Beach, Florida 32967-2871

ALSO PRESENT:
Joseph Kejha
Cheryl Moore

1 The above-entitled matter came on for hearing on Wednesday,
2 July 8, 2009, commencing at 9:15 a.m., at the U.S. Patent and Trademark
3 Office, 600 Dulany Street, Alexandria, Virginia, before Paula L. Lowery,
4 Notary Public.

5 THE CLERK: Good morning. Calendar Number 17, Appeal No.
6 2009-4955, Mr. Zachary Wobensmith, counsel for Appellant.

7 JUDGE TIMM: Good morning, Mr. Wobensmith.

8 MR. WOBENSMITH: Good morning, Your Honor.

9 JUDGE TIMM: If you would introduce your colleague?

10 MR. WOBENSMITH: This is Mr. Joseph Kejha, one of the
11 inventors.

12 JUDGE TIMM: Nice to meet you.

13 MR. WOBENSMITH: He will be happy to answer any technical
14 questions.

15 JUDGE TIMM: Great. You have 20 minutes to present your
16 argument. We have a court reporter with us today. If you would give her a
17 business card, that would be greatly appreciated. If you have a written
18 statement that you intend to follow today –

19 MR. WOBENSMITH: I don't.

20 JUDGE TIMM: -- she would like to have that for transcript
21 preparation. You may begin when you're ready.

22 MR. WOBENSMITH: Applicant's invention is directed to the
23 complete elimination of the reversible capacity loss which may occur upon
24 the first charging cycle of a lithium-ion cell due to the formation of a
25 passivation layer on the surface.
26

1 By adding the lithiated compound to the cathode, the capacity of the
2 cell remains at 100 percent upon the initial charging of the cell.

3 Referring to the patents to Barker, they're not directed to that
4 particular aspect of things. They're directed to an active material having
5 extended cycle life.

6 There was no mention in the Barker patents of the problem that occurs
7 upon the initial charging of the cell.

8 The patent to Xue is directed to high-performance lithium-ion
9 polymer cells and batteries. There is no mention in the Xue patents
10 whatsoever of the particular problem that occurs upon the initial charging of
11 a lithium-ion cell. The patent to Zhang is directed to the use of lithium
12 fluoride in nonaqueous, rechargeable lithium batteries. There is no mention
13 in the Zhang patent of this particular problem that occurs of the loss of
14 reversible capacity upon the initial charging of the cells.

15 For these reasons, we think that the Examiner was in error and should
16 be reversed.

17 JUDGE GAUDETTE: Do you agree that the references disclose the
18 same cathode compositions?

19 MR. WOBENSMITH: They do disclose compositions, yes, Your
20 Honor.

21 But in none of the applications, or the application publications, is this
22 particular problem recognized, discussed, or frankly, even mentioned.

23 It came upon the Inventors to discover that if you added a lithium
24 compound to the cathode -- the cathode alone -- you get this 100 percent
25 capacity of the cell.

26 JUDGE TIMM: Any other questions?

- 1 JUDGE GAUDETTE: No.
- 2 JUDGE HASTINGS: No.
- 3 MR. WOBENSMITH: Thank you very much.
- 4 Whereupon, the proceedings at 9:20 a.m. were concluded.